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HOUSING SESSION  
AT NEW HAVEN

NH-988

DOCKET NO. NHH-CV-22-5005353-S	: SUPERIOR COURT
JUANA VALLE	: HOUSING SESSION
v.	: AT NEW HAVEN
CITY OF NEW HAVEN	: MARCH 9, 2023
FAIR RENT COMMISSION	

## MEMORANDUM OF DECISION RE: RESOLUTION OF APPEAL

The plaintiff, **JUANA VALLE**, has filed this appeal from a decision of the defendant, **THE CITY OF NEW HAVEN FAIR RENT COMMISSION**. The Commission dismissed her complaint as to the retaliation portion of it, as the underlying summary process action she complained of was scheduled for trial, and, therefore, the Commission found it was unable to provide any relief to the plaintiff. The Commission moved to dismiss this appeal as moot, and the Court previously denied its motion (See Docket Entry #111.10, November 4, 2022).

The parties have now completed briefing the issues and the Court is deciding the actual appeal. The parties waived oral argument and asked the Court to take the matter on the briefs and all pleadings.

Ms. Valle brought this appeal specifically challenging the Commission's decision to dismiss her retaliation complaint for lack of jurisdiction. She is requesting that this Court remand the complaint back to the Commission for a decision on the merits. The Commission responds that its jurisdiction is only over proposed rent increases and alleged retaliatory actions. It claims that as the parties already had a summary process matter pending, the jurisdiction over retaliation was then with the Superior Court and it, therefore, correctly dismissed the



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complaint.

As Judge Abrams wrote in a previous appeal from a decision of the New Haven Fair Rent Commission:

The court's ultimate duty is only to decide whether, in light of the evidence, the agency has acted unreasonably, arbitrarily, illegally, or in abuse of its discretion. Robinson v. Unemployment Security Board of Review, 181 Conn. 1, 5 (1980). It is not the function of the court to retry the case or to substitute its judgment for that of the agency. Madow v. Muzio, 176 Conn. 374, 376 (1978). The ultimate issue is whether there is substantial evidence in the record to support the decision of the commission. Jaser v. Zoning Board of Appeals, 43 Conn.App. 545, 548 (1996). Ninth Square Project Limited Partnership v. Fair Rent Commission of the City of New Haven, No. CVNH-03-11535, J.D. of New Haven Housing Session at New Haven (December 2, 2004, Pinkus, J.) The substantial evidence standard allows the court to chart a course somewhere between de novo review of the FRC's action and complete abstention to its arbitrary whims. Martland v. Zoning Commission of Woodbury, 114 Conn.App. 655, 663 (2009).

Soundview Property Renewal, LLC v. Fair Rent Commission of City of New Haven, Docket No. CV-NH-0904-13627, J.D. of New Haven Housing Session at New Haven (March 18, 2010, Abrams, J.)

In general, in an administrative appeal, the court is to review the record to determine whether the board acted fairly, with proper motives and upon valid reasons. Courts are not to substitute their judgment for that of the board unless the board's decision is unreasonable in view of the applicable law and the substantial evidence in the record. On appeal, the burden of proof is upon the plaintiff to establish that the board acted improperly in view of the applicable



law and the substantial evidence in the record.

The Court wrote an extensive review of the case is adjudicating the motion to dismiss and found that the Commission had jurisdiction over the issues raised by Ms. Valle and that her claims were not moot as relief was available under state statutes and local ordinances.

Parties before a Commission are entitled to an actual hearing on their issues and a full adjudication before the Board. Fair Rent Commissions provide a vital role for landlords and tenants, and that importance is underscored by the legislature's mandate to increase access to such Commissions statewide in its last legislative session.

The City provided a return of record (See attachments to Docket Entry #110.00) and, after conducting a hearing, the Commission made Orders on the rental increase portion of the complaint and ultimately dismissed the retaliation portion of the complaint as moot upon recommendation of the City Attorney because of the pending summary process action - without actually considering the retaliation issues raised by the plaintiff.

As this Court noted in denying the motion to dismiss, the Commission had powers to adjudicate the retaliation portion of the complaint and offer remedies separate and distinct from the remedies available in the summary process matter – which is limited solely to the issue of possession.


Accordingly, the Court finds that the plaintiff was entitled to adjudication of the retaliation portion of her complaint, and the Commission did not consider the evidence or any substantive issues regarding that portion of the complaint. It,



therefore, improperly dismissed that portion of the compliant procedurally.

The decision of the Commission is vacated and the case is remanded to the Commission to hold a hearing consistent with this opinion and the Court's decision on the earlier motion to dismiss.

BY THE COURT,

A handwritten signature in purple ink, appearing to be 'W. Spader, Jr.', with a large, stylized flourish at the end.

Walter M. Spader, Jr., Judge

Notice of Decision sent to COLP and:

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by /s/ William Pitt, Chief Clerk, New Haven Housing Session



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